

**Amendments to the Drawings:**

The drawing sheet attached in connection with the above-identified application containing the Figure of the application is being presented as a new formal drawing sheet to be substituted for the previously submitted drawing sheet. The Figure has been amended. Appended to this amendment is an annotated copy of the previous drawing sheet which has been marked to show changes presented in the replacement sheet of the drawing.

The specific change which has been made to the Figure is to modify where reference numeral 8, showing for example a temperature sensor, is in the Figure.

## REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. Applicant thanks the Examiner for entering the amendments filed in response to the Office Action dated September 16, 2009.

Claims 11-20 have been canceled without prejudice or disclaimer.

New claims 21-30 have been added.

**The Advisory Action states that the proposed claims recite and refer to both a heat exchange medium flowing in the system and to a refrigerant, which would introduce new indefiniteness issues and/or new matter issues to the claims. Applicant respectfully disagrees. The proposed claims do not introduce new indefiniteness issues. Additionally, the disclosure of Applicant's application provides support for the amendments to the claims. For example, at least the original claims, the Figure of the application, and page 2, line 14, to page 4, line 14, of Applicant's specification provide support for the amendments to the claims.**

After amending the claims as set forth above, claims 6-10 and 21-30 are now pending. Claims 6-10 have been withdrawn from consideration.

### **Objection to the Drawing**

The drawing is objected to under 37 C.F.R. § 1.83(a). **The Advisory Action states that the proposed replacement drawings are not approved because the drawings are incorrect and fail to show the temperature sensor as being downstream of the heater 3 as recited in the claims. Applicant respectfully disagrees. The drawings have been amended to conform to the Applicant's application where support for the drawing amendments can at least be found on page 4, lines 4-14, of the application as filed. Additionally, one of ordinary skill in the art at the time of invention would at least know from Applicant's application that Applicant's application provides support for the**

**proposed replacement drawings location of the temperature sensor.** Reconsideration and withdrawal of these objection is respectfully requested.

**Objections to the Specification**

The specification is objected to for containing phrases which can be implied. Applicant respectfully submits that the amendments to the specification render the objection moot. Reconsideration and withdrawal of the objection is respectfully requested.

**Rejection under 35 U.S.C. § 112**

Claims 11-20 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Claims 11-20 have been canceled. Reconsideration and withdrawal of the rejection is respectfully requested.

**Rejection under 35 U.S.C. § 102**

Claims 11-20 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 6,044,655 to Ozaki *et al.* (hereafter “Ozaki”). Claims 11-20 have been canceled.

In regard to new claims 21-30, Applicant respectfully submits that Ozaki does not disclose or suggest all of the features of claim 21, which claims 22-30 depend from.

Ozaki discloses a refrigerating system that includes a compressor 1, a heat emitter 2, a main pressure reducer 3, an additional pressure reducer 4, a cooler 5, an evaporator 7, and an accumulator 8. (Ozaki, col. 8, lines 45-50, Figure 2). A controller 10 is constructed for effecting a control of the degree of the opening of the additional pressure reducer 4. (Ozaki, col. 10, lines 8-13). A pressure sensor 18, for detecting the pressure of the carbon dioxide at the outlet of the heat emitter 2, is connected to the controller 10. (Ozaki, col. 10, lines 8-33, Figure 2).

Thus, Ozaki discloses a pressure sensor for detecting the pressure of carbon dioxide and not a refrigerant. Additionally, Ozaki discloses a pressure sensor directly downstream of a heat emitter and not a compressor. (Ozaki, col. 10, lines 8-33, Figures 2, 18, 26, 29, 38,

44). Accordingly, Ozaki does not disclose or suggest a pressure sensor that measures a pressure of a refrigerant directly downstream of the compressor, as recited in claim 21. Ozaki is silent in regard to this feature. Therefore, Ozaki does not disclose or suggest all of the features of new claims 21-30. Reconsideration and withdrawal of the rejection is respectfully requested.

### **New Claims**

New claims 21-30 have been added. Applicant respectfully submits that claims 21-30 are drawn to the elected invention and are allowable over Ozaki for at least the reasons discussed above.

### **Conclusion**

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 10/11/2010

By 

FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 945-6162  
Facsimile: (202) 672-5399

Pavan K. Agarwal  
Attorney for Applicant  
Registration No. 40,888

Annora A. Bell  
Attorney for Applicant  
Registration No. 62,169